IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE J.CHELAMESWAR**

**and**
**THE HON'BLE MR JUSTICE GODA RAGHURAM**

**WRIT PETITION NO : 5978 of 2004**

Between:

1. The Government of Andhra Pradesh,

rep. by its Principal Secretary, A.H.D.D. & Fisheries Department,
Secretariat Buildings, Hyderabad.
2. The Director of Animal Husbandry,

Andhra Pradesh, Hyderabad.
3. The Joint Director of Animal Husbandry,

Nellore-524001.

**..... PETITIONERS**

AND

Dr.V.V.Bhaskar Naidu, Formerly Veterinary Assistant Surgeon,

Presently Assistant Director (A.H.), Veterinary
Hospital, Udayagiri, Nellore District.

**.....RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction more particularly one in the nature of "WRIT OFCERTIORARI" calling for the records connected with order dated 13-10-2003 in O.A.No.4316 of 1997 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and to quash the same as erroneous and contrary to law.

**Counsel for the Petitioner: GP FOR SERVICES I**

**Counsel for the Respondent: P. Naveen Rao**

**The Court made the following:**



**ORDER** **(Per the Hon'ble Sri Justice Goda Raghuram)**:

The Writ Petition is filed by the State against the order of the Andhra Pradesh Administrative Tribunal, Hyderabad, dated 13-10-2003 in O.A.No.4316 of 1997.

The respondent, a Veterinary Assistant Surgeon of the Animal Husbandry Department of the State was proceeded against in a disciplinary enquiry in the year 1993 for irregularities and mis-use of funds. A punishment of stoppage of five annual grade increments with cumulative effect and recovery of Rs.93,000/- was the penalty imposed by proceedings dated 19-07-1993. By the order dated 29-12-1994, the Government issued a Memo, consequent whereupon, the Director of Animal Husbandry cancelled the punishment and directed to initiate departmental proceedings afresh. D*e novo* departmental enquiry was initiated and by the order dated
31-01-1996 a punishment of stoppage of two annual grade increments with cumulative effect besides recovery of Rs.93,000/- was imposed on the respondent. Against the order, he filed an Appeal to the State Government, which was however rejected by the order of the Government, dated 15-06-1996. Thereupon, he instituted the O.A. before the A.P. Administrative Tribunal.

By the order impugned herein, the A.P. Administrative Tribunal set aside the punishment imposed on the petitioner while directing the writ petitioners to hold an enquiry afresh after giving the respondent an opportunity to avail the benefit of cross-examination of the witnesses and to lead evidence on his behalf if he so chooses. The Tribunal found that none of the witnesses were either examined or their statements recorded in the presence of the respondent herein. As there was a blatant violation of the principles of natural justice and of the relevant rules governing the holding of departmental proceedings, The Tribunal allowed the O.A.,

while granting liberty to the State Government-the petitioners herein to conduct an enquiry afresh after affording an opportunity to the respondent herein.

The order suffers from no infirmity warranting interference in the writ petition. The Writ Petition is accordingly dismissed at the stage of admission. No costs.

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**J. CHELAMESWAR, J**

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**GODA RAGHURAM, J**

7th September, 2004

**lsn**/Pvks

To

1. The Government of Andhra Pradesh,

rep. by its Principal Secretary, A.H.D.D. & Fisheries Department,
Secretariat Buildings, Hyderabad.

2. The Director of Animal Husbandry,

Andhra Pradesh, Hyderabad.

3. The Joint Director of Animal Husbandry,

Nellore-524001.

4. Dr.V.V.Bhaskar Naidu, Formerly Veterinary Assistant Surgeon,

Presently Assistant Director (A.H.), Veterinary
Hospital, Udayagiri, Nellore District.

5. Two CCs to G.P. for Services-I, High Court Buildings, Hyderabad (OUT).

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